

**In the United States District Court
for the Southern District of Georgia
Waycross Division**

UNITED STATES OF AMERICA,

v.

CR 514-017

ALAN GUEST,

Defendant.

ORDER


Before the Court is Defendant Alan Guest's "supplemental motion." Dkt. Nos. 133, 135. Therein, Defendant asserts that he was "unlawfully sentenced as a career offender" and points to two recent U.S. Supreme Court decisions in support. Dkt. No. 133 at 2 (citing Concepcion v. United States, 142 S. Ct. 2389 (2022); Borden v. United States, 141 S. Ct. 1817 (2021)). While the Government, in its response, interpreted Defendant's motion as one intending to supplement his recent motion for compassionate release, see dkt. nos. 131, 134, the Court finds Defendant actually intends to supplement his 28 U.S.C. § 2255 motion. See Dkt. No. 57.

In his initial § 2255 motion, dkt. no. 57, Defendant argued that his prior convictions under the Georgia terroristic threats statute are no longer qualifying predicate offenses under the career offender provision of the Sentencing Guidelines, § 4B1.1.

Dkt. No. 109 at 3 (citing Dkt. No. 57 at 4). The Court ultimately denied Defendant's § 2255 motion. Dkt. No. 110. In his latest motion, Defendant again seeks to challenge his career offender enhancement.

Through his "supplemental" motion, Defendant is attempting to circumvent having to obtain authorization from the Eleventh Circuit to file a successive 28 U.S.C. § 2255 petition. See Dkt. Nos. 133, 135. Section 2255(h) requires that prisoners wishing to file a successive petition to collaterally challenge their conviction or sentence must first obtain permission from the Court of Appeals. Defendant has not done so. The Court thus lacks jurisdiction to consider Defendant's motion. Farris v. United States, 333 F.3d 1211, 1216 (11th Cir. 2003). Defendant's motion, dkt. nos. 133, 135, is therefore **DISMISSED**.

SO ORDERED, this 23rd day of November, 2022.



HON. LISA GODBEY WOOD, JUDGE
UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF GEORGIA